

Chairman Strickland announced the case. Mrs. Braswell stated that this request is for a variance to the minimum side yard setback requirements. The subject property consists of 1.11 acres and is located at 7040 Old Valdosta Road, Hahira, in an E-A zoned property. Table 4.01.02 (E) provides standards for building location and heights. In this case, the applicant is seeking relief along the eastern property line. There is an existing stoop/steps that appears to be on the parcel line, but the existing wall of the home is seven feet from the side property line. A variance is being requested for the structure to remain where it is currently located. A recent survey revealed the existing building encroachments that were unbeknownst to the applicant. The house was originally constructed in the 1940's, with additions in the late 1970's. The side yard setback requirement in the late 1970's was believed to be ten feet. The variance is an attempt to address the encroachment so that the survey can be recorded for public record. The applicant wishes to keep the structure as it is currently depicted on the survey. The TRC reviewed the request and ultimately recommended for its approval. Considerations are the length of time the structure has been in place, and that the structure's porch does not pose a threat due to its open air design.

Mrs. Hobby asked if the porch and stoop were added before the adoption of the ULDC. Mrs. Braswell stated yes. Mrs. Hobby asked why they were not grandfathered in. Mrs. Braswell stated that when they were built, the County had zoning, and the only way they could have been grandfathered in is if there had been no zoning. Mrs. Braswell stated that this type of situation came up relatively often. Mrs. Hobby asked if the County had given any thought to creating rules or regulations to address possibly grandfathering in situations like this.

There being no further questions, Chairman Strickland asked if anyone would like to speak in support of the application. Mr. Leslie Roe, 7040 Old Valdosta Road North, spoke on behalf of the application. His wife's grandfather built it in the 1940's, and it was added on to, thinking there was plenty of room to build on. Mr. McCall asked where the door on the end of the house went to. Mr. Roe said it was a laundry room door. Mr. McCall asked if it was an actively used door. Mr. Roe said it could be, but they didn't use it that much. Mr. Roe said they used the door on the front of the house more. Mrs. Quarterman stated she had a concern about the stoop becoming closed in—she did not want to see it closed in. Mr. Alvarado asked if any part of the stoop or the roof crosses the property line. Mr. Roe said they did not cross the property line, that they were about a foot off the property line. Mr. Brantley asked what triggered the survey. Mr. Roe stated his wife's brother passed away. The brother owned the property next door, and while getting his property surveyed for his heirs, decided to survey their own property as well.

There being no more discussion for Mr. Roe, Chairman Strickland asked if there was anyone else who wanted to speak in support of the application. There was none. Chairman Strickland asked if there was anyone who wanted to speak in opposition. There was none. Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. Mrs. Braswell stated there was no contact.

There being no more discussion, Chairman Strickland opened the floor for a motion. Mrs. Quarterman made a motion to approve, citing criteria "d," with the condition that the stoop never be enclosed. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 6 to 0.

CITY OF VALDOSTA CASES

Agenda Item # 5 & 6: APP-2017-02 & App-2017-03 --- Kenneth and Deborah Anderson (1306 Cypress Street, Valdosta)

Chairman Strickland asked if the Board needed to hear each case individually, or together. Ms. Tolley stated she did not have a preference as to whether they heard the cases together or separately, but recommended that they vote separately on each case.

Ms. Tolley stated that these cases concerned 1306 Cypress Street, which consisted of 0.16 acres and is zoned M-1. The property contained a single family house, which was damaged by a fire. A house is not a permitted use in the M-1 zoning district. When damaged beyond 60% of its fair market value, it has to conform to today's standards, including zoning—which meant the house couldn't be built back without a rezoning or a PELUC. The industrial Activity Center Character Area makes the parcel ineligible to rezone for a residential zoning district, so a PELUC is the best choice. A PELUC is an opportunity to re-establish a nonconforming use that was legally operating on January 1, 2009, when the LDR became effective and can only authorize the last legally nonconforming use if it was legally operating at the time the LDR became effective. Staff recommended approval for the PELUC.